

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

W. R. GRACE & CO.-CONN.,

Plaintiff,

v.

ELYSIUM HEALTH, INC.,

Defendant.

C.A. No. 20-1098-CFC-JLH

**PLAINTIFF’S MOTION TO DISMISS DEFENDANT’S  
INEQUITABLE CONDUCT COUNTERCLAIMS AND  
STRIKE RELATED AFFIRMATIVE DEFENSE**

Plaintiff W.R. Grace & Co.-Conn. (“Grace”) hereby moves to dismiss Defendant Elysium Health Inc.’s (“Elysium”) inequitable conduct counterclaims (Counterclaims Ten, Eleven, and Twelve) pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure (the “Federal Rules”) and strike Elysium’s inequitable conduct affirmative defense (Twelfth Defense) pursuant to Rule 12(f) of the Federal Rules (the “Motion”). For the reasons set forth in the Opening Brief in Support of the Motion filed concurrently herewith, Grace respectfully requests that this Court enter the proposed order in the form attached hereto granting the Motion.

*[Signature block on following page.]*

Dated: May 26, 2022

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**CERTIFICATE OF SERVICE**

I, Daniel A. O'Brien, hereby certify that on this 26th day of May, 2022, a copy of the foregoing document was electronically filed with the court and served via CM/ECF, on parties with counsel of record identified on the Court's docket.

/s/ Daniel A. O'Brien

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